

By Authority.



Hawaiian Gazette

EST. 1838 IN HONOLULU.

TUESDAY, FEBRUARY 14, 1888.

It has pleased His Majesty the King to appoint

JOHN HARRIS SOPER
to be Marshal of the Kingdom, vice Hon. John Lota Kaulukou, resigned.
C. W. ASHFORD,
Attorney-General.
Iolani Palace, Feb. 8, 1888.
1203-31 1203-11

Sale of Lease of Government Land.

On THURSDAY, March 8, 1888, at the front entrance of Aliolani Hall, at 12 o'clock noon, will be sold the Lease of all that tract of land on the South East side of Kilanea street, now occupied by the Inter-Island Steamship Company, having a frontage on Kilanea street of 125 feet, and a depth of 140 feet, the same being Lots 78 and 79 and a part of Lot 80 on Government Map of the Esplanade.

Terms—Lease for 10 years.
Upset price \$400 per annum, payable semi-annually in advance.

L. A. THURSTON,
Minister of the Interior.
Interior Office, Jan. 27, 1888. 1203-31

J. P. KAMA, Esq., was on the 18th inst. appointed District Justice for the district of Ewa, island of Oahu, to reside at Waiānae, Oahu.

S. R. KAALA WAKAMA, Esq., was on the 19th inst. appointed District Justice for the District of North Kona, island of Hawaii.

GEO. W. AKAU HAPAL, Esq., has this day been appointed District and Police Justice for the District of Hilo, island of Hawaii.

Dated Honolulu, January 30, 1888.
HENRY SMITH,
Deputy Clerk, Supreme Court.

I have this day recommended
J. G. HOPKINS,
as District Judge for North Kona, island of Hawaii.

ULULANI,
Governor of Hawaii.
Office Governor of Hawaii, Hilo, January 30, 1888. 1202-31

REV. P. KRAUPP, has this day been appointed an Agent to perform Marriage Ceremony for the Hawaiian Kingdom.

L. A. THURSTON,
Minister of the Interior.
145-31 1103-31

THOMAS WILLIAM HOBSON of Honolulu, has this day been appointed a Notary Public for the First Judicial Circuit of the Kingdom.

L. A. THURSTON,
Minister of the Interior.
1202-31 144-31

Notice.
OFFICE AUDITOR-GENERAL,
HONOLULU, Jan. 16, 1888.

All accounts presented at this office to be audited must be in duplicate, the duplicate copy will be retained by the Auditor.

GEO. J. ROSS,
Auditor-General.
1202-31

Sale of Government Land.

On WEDNESDAY, February 15, 1888, at the front entrance of Aliolani Hall, at 12 o'clock noon, will be sold a certain tract of land called Mahani, in Kailua Valley, Oahu, containing an area of 18-1-10 acres, more or less.

This land is suited to grazing purposes.
Terms—Upset price \$250.

L. A. THURSTON,
Minister of the Interior.
Interior Office, Jan. 10, 1888. 1201-31

Sale of Government Land.

On WEDNESDAY, FEBRUARY 23d, 1888, There will be sold at Public Auction, at the front entrance of Aliolani Hall, at 12 o'clock noon, the following Government Lands:

1st.—A certain piece of land known as Lot 13, at Kauhako, South Kona, Hawaii, containing an area of 3/4 acre.
Terms—Upset price \$50.

2d.—A certain land in "Punahonua," Kapa, Maui, containing an area of 116 2-10 acres more or less.
Terms—Upset price \$200.

L. A. THURSTON,
Minister of the Interior.
Interior Office, Jan. 19, 1888. 1202-31

Hon. PAUL P. KANA has been appointed by the Board of Education, School Agent for the District of Kawaihau, on the Island of Kani, vice Rev'd W. Smith, deceased.

W. JAS. SMITH,
Secretary.
Education Office, Jan. 20, 1888. 147-31 1202-31

Special Notices.

KING BROS.,
Importers and Dealers in Art Goods, Artists' Materials, Oil Paintings, by local artists; Photographs of Island Scenery, Chromos, Olegraphs, Pastels, Water Colors, Albums, Plush and Ebony Goods, &c., &c. Frames of any and all kinds made to order. Regliding and repairing old Pictures and Mirror Frames a specialty.

KING BROS.,
Honolulu, H. I.
1154-31

MR. W. F. ALLEN,
Has an office with Messrs. Bishop & Co., corner of Merchant and Kahuahannu Streets, and he will be pleased to attend to any business entrusted to him.
1195-31

THE HAWAIIAN ALMANAC AND ANNUAL
for reliable statistical and general information relating to these Islands. Price 20 cents; or mailed abroad, 90 cents each.

T. G. THURM, PUBLISHER,
Honolulu, H. I.
1202-31

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Neat and cozy furnished rooms can be had by an early application at NO. 4 GARDEN LANE. 992

THE DAILY GAZETTE IS A LIVE
paper. Subscriptions 50 cents per month.

majority report of the committee in question, being signed by Messrs. Ira P. Rankin, Fred. A. Gibbs and W. H. Dimond. It is in the form of a lengthy preamble and several resolutions. The preamble recites in effect that the beet sugar question is still in an experimental stage; that an appeal to Congress for a bounty would largely stimulate beet production and investment in beet sugar factories; that such results would make a step toward reduction of the tariff on importations, which pointed in the direction of free trade, regarded by them as dangerous to the best interests of the country, and "particularly menacing to the commercial growth of San Francisco, in that it would seriously interfere with the large trade that has been built up between this port and the Hawaiian Kingdom;" that, "We believe the introduction of a free trade policy would be an act of bad faith to the country now enjoying the benefit of a treaty of reciprocity with this country, which has recently been renewed for a period of seven years;" that the Southern sugar producing States are equally interested in maintaining the sugar duties, etc. The resolutions submitted by the majority of the committee are as follows:

"That the Chamber of Commerce of San Francisco regards the proposition to fix a bounty on beet sugar produced in the United States with alarm, and strongly urges Congress not to make any change in the present tariff in respect to the article sugar."

"That the proposition of a bounty, as suggested at this time, is a dangerous one in that it contemplates a policy which is not likely to be permanent enough to give sufficient assurance to capitalists, who are now disposed to invest money in manufactures, to warrant them in making such investments, and in developing manufacturing industries."

"That we believe that the bounty system, which has been tried and found wasteful and unwise in the leading commercial countries of Europe, is a revolutionary innovation on the established principles of revenue in this country, and would be disastrous in its effects on the mercantile and manufacturing interests."

"That we regard it as unwise and dangerous to introduce any policy in the revenue system of the United States, which departs so radically from the policy which has made our country one of the strongest nations in the world, politically and financially, and under which a development unknown in the history of nations has been experienced."

"That the Pacific Coast delegation in Congress, and particularly the delegation from this State, be urged to use all possible means to defeat any action in Congress which contemplates a change in the present duty on sugar, and the establishment of a bounty system."

"That the lumber, fruit, wine, wool and other important interests of the Pacific Coast are equally interested in maintaining the present tariff, and are urged to unite with the Chamber in a firm and vigorous protest against the reductions suggested, which threaten to destroy these large interests."

The minority report, signed by Mr. Sneath alone, closes the pamphlet. It argues the propriety of bounties when deemed advantageous, makes a calculation of the great saving to the country that would result from producing enough sugar for home consumption, cites proof of the adaptability of California to immense beet sugar production, and concludes by saying: "I cannot conceive that Californians can hesitate in favoring a bounty that most assuredly would bring them untold wealth and population, and secure, at the same time, unbounded prosperity throughout our land. I would, therefore, ask that the original memorial presented be adopted, with the resolution thereto attached as the sense of the Chamber upon the subject."

There is cause for grievous disappointment to all friends of responsible government in the decision of a four-fifths majority of the Supreme Court upholding the absolute veto power of the King. This decision binds the nation, and the fundamental law, as thus interpreted, encourages the King's obstruction of free legislation. That is, until the Constitution can be altered, according to its own provisions for such a purpose, so as unambiguously to inhibit the King from nullifying the will of a majority of the people's representatives at his royal pleasure. It is therefore only appropriate in the meantime to consider, first, whether the document itself or the judicial interpretation of it is to blame for the people being found to have a less measure of constitutional freedom than they had imagined themselves to possess, and, secondly, what means of defense may be left to the Legislature against the unwonted exercise of the King's power to thwart its equally constitutional powers. Regarding the latter question there is time enough for consideration by members of the Legislature before action be again incumbent upon them. As pertaining to the written instrument itself, it is not inharmonious with the words of truth and soberness to assert that the interpretation put upon Article 48 is in conflict with both the letter and the spirit of the whole remainder of the Constitution bearing upon popular rights, besides doing violence to the wishes of the people as they found expression in the movement that brought the present Constitution into existence. The question, then, is whether the interpretation or the text is at fault. Upon this question free public discussion is now appropriate. Mr. Justice Dole in his dissenting opinion has shown that a contrary interpretation of the Article is maintainable by the clearest reasoning and harmonizes the whole Constitution.

A very conspicuous feature of the opinion of the majority of the Court

consists in special pleading in support of propositions that are entirely presumed and not at all dictated by the plain and obvious force of the words cited from the document. Their honors set out to discover "whether the power of the King in approving or disapproving of bills passed by the Legislature is controlled by Article 78, and to determine whether Article 48 is an exception to the general words of Article 78. The words in this Article," they say, "which provide for the exceptions to which they shall not apply, are 'unless otherwise expressed.'" They attempt by two definitions, in separate connections, to show what this excepting clause means. First: "This means that any act which the King shall be done by him by and with the advice and consent of the Cabinet, unless the article defining the act to be done shall of itself show that the concurrence of the Cabinet is not required." This definition, we unhesitatingly say, does not fit the structure of Article 78, and is only supported by the Court in a risky process of induction out of other parts of the Constitution. Proof of the position here taken is plain to an inspection of the syntax of Article 78. The clause "unless otherwise expressed," is placed not so as to govern any description of "any act" that "is to be done or performed by the King"—as the Court would have it—but is inserted parenthetically in the clause defining the meaning of how any such act is to be done. The proper definition would therefore be after the manner following: "This means that any act which the Constitution requires to be done by the King shall be done by him by and with the advice and consent of the Cabinet, unless the Article defining the act to be done shall of itself show in express terms that the concurrence of the Cabinet is excluded." The phrase, "that the concurrence of the Cabinet is not required," is so general in its application as to leave it a matter of opinion with the King when he requires the concurrence of the Cabinet. This would, however, be contrary to the general tenor of the Constitution as a whole. But it may be said, on the other hand, that such an option can not be the King's when Article 41 makes the members of the Cabinet His Majesty's special advisers in the executive affairs of the Kingdom. The principle is, notwithstanding, applied by the Supreme Court to Article 78, and Article 78 involves any and every sort of act, executive or legislative, to be done or performed by the King. Secondly, their honors present the following definition of Article 78, almost identical in intent with their other one, but more sweeping in effect: "Since the 78th Article contains the words, 'unless otherwise expressed,' therefore any act of the King which does not, by force of the article which defines the act, require the consent of the Cabinet, is excepted from the operation of the general rule laid down in Article 78." This is preceded by the opinion "that the plain and obvious meaning of the whole context of Article 48 is that the power of the King to approve or disapprove a bill is a personal, individual right, and this article standing alone would never have given rise to doubt." Certainly it would never have given rise to doubt in such case, with the one exception that the Judges elsewhere discuss as to why members of the Cabinet are excluded from voting upon the reconsideration of a vetoed bill. Neither would there be any doubt of the King's personal, individual right to perform any other act required of him in the Constitution, without the advice and consent of the Cabinet, if the article authorizing him to perform such act were set standing alone in naked simplicity. For instance, take Article 71, and apply the Court's definition of Article 78 to it: "Article 71. The King appoints the Justices of the Supreme Court, and all other Judges of Courts of Record. Their salaries are fixed by law." The appointment of Judges by the King "does not, by force of the article which defines the act, require the consent of the Cabinet," and therefore, according to the Court, "is excepted from the operation of the general rule laid down in Article 78." Accordingly, His Majesty magnanimously waived a very important privilege in filling the late vacancy on the bench with the Cabinet's nominee if he had any other preference to gratify! Truly, the last state of the country is worse than the first, if the Court's judgment be carried out to all its logical conclusions.

NOTES AND COMMENTS.

We are indebted to that excellent exchange, the Philadelphia Record, for a copy of its Annual Almanac, that contains a great deal of information useful for reference.

The large attendance at the preliminary meeting for organizing a debating club was encouraging of success. If the interest of quarter of the number enrolled be maintained, the organization should become one of the most useful institutions of the city.

English capital would seem to be undermining the Monroe doctrine in Mexico. The announcement of a sale of half a million acres of land in the State of Coahuila, for \$125,000 to an English syndicate, comes coupled with the information that English capitalists now own fully one-quarter of that State.

California farmers have become aroused to the realization of the fact that they have a formidable plague of rabbits to eradicate. By the frequency of reports from the seat of war giving lists of killed in

the thousands, Bunny's dominion over the grain crops of the Golden State is doomed to be short.

RESULTS are among the best promoters of results in the case of useful enterprises, so it is gratifying to hear that the Hawaiian tourist agent on the Coast has succeeded in enrolling an excursion party for the Islands. May this prove to be the first low wash of waves where soon shall roll a human river carrying alluvial sediment to our beaches.

As Apia correspondent of the San Francisco Chronicle describes at length the visit of Hon. J. E. Bush, Hawaiian Ambassador, to the Samoan high chief Mataafa just before the deposition of King Malietoa by the Germans. The writer accompanied the expedition on the Hawaiian steamer Kaimiloa. It has taken him long to write up his notes.

When a woman has added an exploit of life-saving to the yearly growing calendar of Hawaiian heroism, there must be a beginning made in the way of national recognition of such noble conduct. The native woman who swam through the surf and rescued Capt. Crane of the Nettie Merrill more than holds her own, in this instance at least, with Grace Darling, for the English heroine generally had a lifeboat under her in the life-saving feats that have made her name and fame immortal.

The proprietors of the Philadelphia Record take broad views of the functions of a great newspaper. They maintain a coal supply agency at the office of the paper, for the purpose of furnishing that necessary to all who apply at the lowest wholesale prices. In a recent issue the Record announces that, in consequence of the pending strike in the Schuylkill region, the price would be advanced from \$5 75 to \$6 25. This is very high for the heart of the coal country.

Legal Advertisements.

IN THE SUPREME COURT OF THE Hawaiian Islands. In Probate. In the matter of the Estate of DOMINGO LOPES RAMOS, late of Honolulu, Oahu, deceased.

On reading and filing the petition and accounts of Joseph F. Monroa, Administrator of said Estate, wherein he asks to be allowed \$750.00, and charges himself with \$2,900.00, and asks that the same may be examined and approved, and that a final order may be made of distribution of the property remaining in his hands to the persons thereto entitled, and discharging him and his sureties from all further responsibility as such administrator.

It is ordered, that TUESDAY, the 6th day of March, 1888, at ten o'clock a. m., at Chambers in the Court House, at Aliolani Hall, Honolulu, be and the same hereby is appointed the time and place for hearing said petition and accounts, and that all persons interested may then and there appear and show cause, if any they have, why the same should not be granted, and may present evidence as to who are entitled to the said property. And that this order, in the English and Hawaiian languages, be published in the Hawaiian Gazette, newspaper printed and published in Honolulu, for three successive weeks previous to the time therein appointed for said hearing.

Dated at Honolulu, this 3d day of Feb. 1888.
By the Court: **HENRY SMITH, Deputy Clerk.**

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Dated at Honolulu, this 3d day of Feb. 1888.
By the Court: **HENRY SMITH, Deputy Clerk.**

IN THE SUPREME COURT OF THE Hawaiian Islands. In Probate. In the matter of the Estate of DOMINGO LOPES RAMOS, late of Honolulu, Oahu, deceased.

On reading and filing the petition and accounts of Joseph F. Monroa, Administrator of said Estate, wherein he asks to be allowed \$750.00, and charges himself with \$2,900.00, and asks that the same may be examined and approved, and that a final order may be made of distribution of the property remaining in his hands to the persons thereto entitled, and discharging him and his sureties from all further responsibility as such administrator.